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Paper No.

SYMYX TECHNOLOGIES INC
LEGAL DEPARTMENT
3100 CENTRAL EXPRESS
SANTA CLARA CA 95051

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OCT 18 2006

OFFICE OF PETITIONS

In re Patent No. 6,759,014 :
Dales et al. : DECISION ON REQUEST FOR
Application No. 09/772,101 : RECONSIDERATION OF
Filed: January 26, 2001 : PATENT TERM ADJUSTMENT
Atty Docket No. SMX 3104 : and
(2000-108) : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)," filed July 14, 2004. Patentees request that the patent term adjustment indicated in the Issue Notification (and on the patent) be corrected from six hundred fifty-four (654) days to seven hundred nine (709) days.

The request for reconsideration of the patent term adjustment under § 1.705(d) is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a Patent Term Adjustment of **seven hundred nine (709)** days.

On July 6, 2004, the above-identified application matured into U.S. Patent No. 6,759,014, with a revised Patent Term Adjustment of 654 days. The instant request for reconsideration filed July 14, 2004 was timely filed within 2 months of the date the patent issued. See § 1.705(d). Patentees dispute the reduction of 55 days associated with the "miscellaneous incoming letter" received May 13, 2004. Patentees contend that this paper, an

election, although submitted after the mailing of the notice of allowance, was not a failure to engage in reasonable efforts to engage because it was filed in response to a request by the examiner made in the notice of allowance.

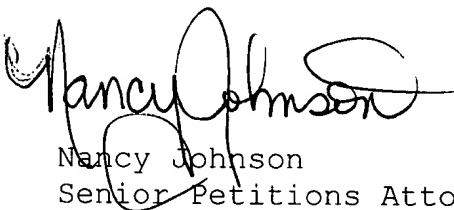
The facts and the circumstances of the filing of the election have been considered, and it is determined that under the circumstances the reduction of 55 days is not warranted. The record supports a conclusion that on March 4, 2004 the date of mailing of the notice of allowance applicants made a provisional election by telephone to the examiner. The examiner requested affirmation of the election in reply to the notice of allowance. Accordingly, the reduction of 55 days is being removed.

In view thereof, the patent term adjustment indicated in the patent should be seven hundred nine (709) days.

The Office acknowledges submission of the \$200 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by seven hundred nine (709) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large, stylized "N" and "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Day : Friday
Date: 10/13/2006

PALM INTRANET

Time: 08:43:38

PTA Calculations for Application: 09/772101

Application Filing Date:	01/26/2001	PTO Delay (PTO):	709
Issue Date of Patent:	07/06/2004	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	55
Post-Issue Petitions:	0	Total PTA (days):	709
PTO Delay Adjustment:	55		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
34	10/13/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	55		
28	07/06/2004	PATENT ISSUE DATE USED IN PTA CALCULATION			
27	06/04/2004	RECEIPT INTO PUBS			
26	06/02/2004	APPLICATION IS CONSIDERED READY FOR ISSUE			
25	05/13/2004	ISSUE FEE PAYMENT VERIFIED			
24	01/26/2001	WORKFLOW - DRAWINGS FINISHED			
23	05/13/2004	MISCELLANEOUS INCOMING LETTER		55	23
22	05/19/2004	RECEIPT INTO PUBS			
21	05/13/2004	ISSUE FEE PAYMENT RECEIVED			
20	04/09/2004	RECEIPT INTO PUBS			
19	04/08/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
18	03/04/2004	MAIL NOTICE OF ALLOWANCE	709		-1
17	03/03/2004	ISSUE REVISION COMPLETED			
16	03/03/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
15	03/03/2004	NOTICE OF ALLOWABILITY			
14	02/09/2004	MISCELLANEOUS INCOMING LETTER			
13	02/12/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	10/27/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	01/14/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	08/29/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	08/21/2001	PRELIMINARY AMENDMENT			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

8	04/06/2001	FILED			
7	06/04/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	05/25/2001	APPLICATION DISPATCHED FROM OIPE			
5	03/07/2001	APPLICATION IS NOW COMPLETE			
4	03/07/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	03/06/2001	CORRESPONDENCE ADDRESS CHANGE			
2	02/17/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/26/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,759,014 B2
DATED : July 6, 2004
INVENTOR(S) : Dales et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (654) days

Delete the phrase "by 654" and insert – by 709 days--